

REMARKS

STATUS OF CLAIMS

The Office Action dated July 3, 2002 has been received and its contents carefully considered. Claims 1-20 are pending. Claims 1, 8 and 13 are independent.

Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the following remarks.

OFFICE ACTION

Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Kanai '921 in view of Baldwin et al. '265. This rejection is respectfully traversed with respect to the following reasons.

It should be noted that withdrawal of finality is hereby requested since the previous amendment only corrected grammatical and typographical errors and possible 35 U.S.C. §112, 2nd problems. Thus, no substantive changes were made to the claims and the Examiner's new grounds of rejection were not necessitated by amendment.

The Examiner is thanked for the telephonic interview of April 2, 2003 in which it was agreed that the finality of the present office action would be withdrawn and to treat this response as a non-final office action response accordingly. Further it was agreed that with respect to Baldwin et al. '265, the Examiner did not show the structure of a plurality of heating elements attached to the heat pumps as claimed.

Without conceding the propriety of the rejections, claim 1 recites, in part, an array of testing stations, wherein each of said testing stations includes at least one heating element attached to a first component of a heat pump and wherein each of said testing

stations includes at least one sensor connected to a heat pump; a plurality of data acquisition lines each of said plurality of data acquisition lines connected to a separate sensor for each testing station; a plurality of control lines each of said plurality of control lines connected to a second component of separate heat pumps. Kanai '921 shows in FIGS. 1, 3, 6 and 9 a system for testing refrigeration units. Baldwin et al. '265 shows in FIG. 2 controller 20 with test inputs and heaters H1, H2 that are only electrically connected to the controller 20 and set within an air duct system 42. However, neither Kanai '921 nor Baldwin et al. '265 teach or suggest the structural connections and elements claimed in the present invention. In particular, an array of testing stations, wherein each of said testing stations includes at least one heating element attached to a first component of a heat pump and wherein each of said testing stations includes at least one sensor connected to a heat pump; a plurality of data acquisition lines each of said plurality of data acquisition lines connected to a separate sensor for each testing station; a plurality of control lines each of said plurality of control lines connected to a second component of separate heat pumps. In accordance with the M.P.E.P. §2143.03, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re: Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re: Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494 196 (CCPA 1970). Thus, it cannot be said that Kanai '921 in combination with Baldwin et al. '265 teaches or suggests the invention as presently claimed.

In addition, claim 8 recites, in part, an array of testing stations, wherein each of said testing stations includes at least one heating means attached to a first component of a heat pump for providing a heat load to said heat pump and wherein each of said testing stations includes at least one sensor means coupled to a heat pump to generate test data; a plurality of data acquisition connection means each of said plurality of data acquisition connection means connected to a separate sensor means for each testing station; a plurality of control connection means each of said plurality of control connection means connected to a second component of separate heat pumps. Kanai '921 shows in FIGS. 1, 3, 6 and 9 a system for testing refrigeration units. Baldwin et al. '265 shows in FIG. 2 controller 20 with test inputs and heaters H1, H2 that are only electrically connected to the controller 20 and set within an air duct system 42. However, neither Kanai '921 nor Baldwin et al. '265 teach or suggest the structural connections and elements claimed in the present invention. In particular, an array of testing stations, wherein each of said testing stations includes at least one heating means attached to a first component of a heat pump for providing a heat load to said heat pump and wherein each of said testing stations includes at least one sensor means coupled to a heat pump to generate test data; a plurality of data acquisition connection means each of said plurality of data acquisition connection means connected to a separate sensor means for each testing station; a plurality of control connection means each of said plurality of control connection means connected to a second component of separate heat pumps. In accordance with the M.P.E.P. §2143.03, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re: Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All

words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re: Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494 196 (CCPA 1970). Thus, it cannot be said that Kanai ‘921 in combination with Baldwin et al. ‘265 teaches or suggests the invention as presently claimed.

Moreover, claim 13 recites, in part, providing a first control signal to a first component of a plurality of heat pumps to operate a function of said heat pumps; providing a second control signal to a plurality of heating elements, said heating elements placing a heat load on said heat pumps. Kanai ‘921 shows in FIGS. 1, 3, 6 and 9 a system for testing refrigeration units. Baldwin et al. ‘265 shows in FIG. 2 controller 20 with test inputs and heaters H1, H2 that are only electrically connected to the controller 20 and attached or set within an air duct system 42. However, neither Kanai ‘921 nor Baldwin et al. ‘265 teach or suggest the step of providing a second control signal to a plurality of heating elements, said heating elements placing a heat load on said heat pumps as claimed. Baldwin’s heaters H1, H2 heat air only and do not place a heat load on the heat pump. In accordance with the M.P.E.P. §2143.03, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re: Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re: Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494 196 (CCPA 1970). Thus, it cannot be said that Kanai ‘921 in combination with Baldwin et al. ‘265 teaches or suggests the invention as presently claimed.

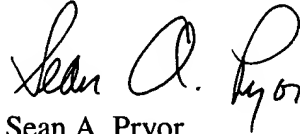
For the foregoing reasons, it is respectfully submitted that the invention recited in claims 1, 8 and 13 is patentable over Kanai '921 in view of Baldwin et al. '265. Thus, it is respectfully submitted that the remaining depending claims are allowable for at least the reasons given herein.

In view of the foregoing, reconsideration and allowance of the application are believed in order, and such action is earnestly solicited.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned at 202/861-1748.

Respectfully submitted,

BAKER & HOSTETLER LLP

A handwritten signature in black ink, appearing to read "Sean A. Pryor". The signature is fluid and cursive, with the first name "Sean" being the most prominent.

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